

DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED



DELTA COUNTY, COLORADO

BOARD OF COUNTY COMMISSIONERS

COUNTY COURTHOUSE - 501 PALMER STREET - SUITE 227 - DELTA - COLORADO - 81416

PHONE: (970) 874-2100

FAX: (970) 874-2114

Dist. 1: Jim D. Ventrello - Dist. 2: Donna R. Ferganchick - Dist. 3: Ted H. Hayden

NOV 28 1997

FCC MAIL ROOM

November 24, 1997

Mr. William Kennard
Chairman Designate
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Chairman Kennard:

The purpose of this letter is to express to the Federal Communications Commission, with copies to our Congressional Representatives, the serious concerns that we as a local governing body have with respect to recent rulings that have been issued in the above cases. It would appear that the Federal Communications Commission may be attempting to assume the responsibilities of this Board with respect to local zoning and land use. Although there are certain matters which the federal government may have an interest in locally, this Board has been given authority to regulate land use within the unincorporated areas in this county. Because of our familiarity with the area and our contact with local constituents, we are in the best position to make decisions of local interest. For those issues which are considered to be of greater than local interest, of course, we welcome the input of federal and state authorities, and we obviously concede that other authorities have the right to make decisions in some matters.

Delta County has not adopted a county-wide zoning code, though portions of Delta County are zoned. We do have some subdivision and land use regulations in place and are in the continuing process of developing our land use code. Radio, TV and cellular towers are of prime interest in this community because of the rural setting and a principal goal of the Delta County Master Plan to preserve our agricultural lands. Although we are not "anti-growth," we are sensitive to the impacts which growth will have upon our existing economy and lifestyle.

The bottom line is that we want to maintain local control. To the extent that the Federal Communications Commission seeks to remove local control from the Board of County Commissioners within the unincorporated areas of Delta County and from the municipalities

RECEIVED

NOV 28 1997

FCC MAIL ROOM

List of Copies

Commissioner Designate Harold Furchtgott-Roth
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Designate Michael Powell
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Designate Gloria Tristani
1919 M Street, 8th Floor
Washington, DC 20554

Commissioner Susan Ness
1919 M Street, 8th Floor
Washington, DC 20554

Shaun A. Maher, Esq.
Policy & Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Keith Larsen
Assistant Bureau Chief for Engineering
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Susanna Swerling
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Rosalind Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Dan Phythyon
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street
Washington, DC 20554

Mr. Roy J. Stewart
Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington, DC 20554

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave, NW
6th Floor
Washington, DC 20004

Ms. Eileen Huggard
Executive Director, NATOA
1650 Tysons Boulevard, Suite 200
McLean, VA 22102-3915

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, NW, 8th Floor
Washington, DC 20001

Mr. Kevin McCarty
Assistant Executive Director
U.S. Conference of Mayors
1620 Eye Street, 4th Floor
Washington, DC 20006

Ms. Cheryl Maynard
Government Affairs Coordinator
American Planning Association
1776 Massachusetts Ave. NW, 4th Floor
Washington, DC 20036

RECEIVED

NOV 28 1997

Mr. William Kennard
FEDERAL MAIL ROOM

-2-

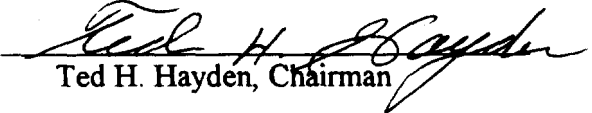
November 24, 1997

within their limits, we stongly protest. We also know that our constituents believe very strongly in local control and would not want the federal government having the right to rule in matters which so directly impact the lifestyle and economy of Delta County.

Thank you for your consideration.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: 
Ted H. Hayden, Chairman

xc: Delta County Attorney
County Administrator
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20054

xc: [see attached]
BCC/caj